



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,702	01/23/2002	Jose Manuel Valero Salinas	279 P002	2651

7590 12/29/2003

Marc D Machtinger
Law Office of Marc D Machtinger
Suite 350
750 W Lake Cook Road
Buffalo Grove, IL 60089

EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 12/29/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,702

Applicant(s)

VALERO SALINAS, JOSE
MANUEL

Examiner

Justin R Fischer

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☒ Claim(s) 2,5,6 and 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (US 5,137,595) and further in view of (a) Simons (US 4,353,763), (b) either one of Golden (US 5,302,221) or Lindsey (US 4,008,114) and (c) either one of Colbachini (US 4,7125,326) or Akerdahl (GB 2,075,880). Garcia teaches an apparatus for applying a cover fabric or fabric strip 3 to a tubular body 1, wherein said tubular body is rotated by a conventional means and said cover fabric is supplied from a carriage assembly that moves along the longitudinal axis of said tubular body via a chain drive (Figure 1 and Column 2, Lines 30-59). In this instance, a guide is disposed within the carriage assembly and is "adjustably mounted" so as to be oriented at an angle to the axis of the tubular body (analogous to the ability to change feed orientation of claimed invention) (Column 2, Lines 37-40). Regarding the "conventional" rotating means described by Garcia, one of ordinary skill in the art at the time of the invention would have found it obvious to include a pair of drive rollers or longitudinal rollers since such an arrangement represents a "conventional" means of rotating a tubular body in a winding operation, as shown for example by Simons (Figure 1 and Column 3, Lines 5-12). As to the inclusion of upper pressure rollers, one of ordinary skill in the art at the time of the

Art Unit: 1733

invention would have found such an arrangement obvious since it is well known in the winding industry to provide such rollers to optimize the contact between the layer being wound and the tubular body (provides an accurately wound product). For example, Golden and Lindsey illustrate the use of conventional pressure rollers in a winding operation. Lastly, Garcia describes the fabric strip as being "fed to the guide from a supply" (Column 2, Lines 47-48). While Garcia fails to expressly suggest that the supply (conventionally a reel or spindle) is mounted on the carriage, it is extremely well known in the winding industry to form a winding apparatus in which the supply is mounted on the carriage, as shown for example by Colbachini (Figures 1 and 2) and Akerdahl (Figures 1 and 2), wherein such an arrangement provides an efficient means of providing a strip to a rotating tubular body. As such, it would have been obvious to include the supply within the carriage assembly, it being noted that Garcia is completely silent as to the cooperation between the supply and the carriage.

Regarding claim 7, while Garcia is silent as the inclusion of a cutting assembly, it is evident that a cutting operation must be performed if the strip is being fed from a reel or spindle. One of ordinary skill in the art at the time of the invention would have found it obvious to include a conventional cutting assembly in the apparatus of Garcia to provide a length of strip that is accurately positioned over the tubular body. Akerdahl provides one example of a winding apparatus in which a cutting assembly is provided. It is emphasized that a cutting assembly represents a practical and efficient means of obtaining an accurate length of strip for a given tubular body.

Allowable Subject Matter

3. Claims 2, 5, 6, and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2, 6, 8, and 10, the prior art references of record to failed to suggest, disclose, or teach the a winding apparatus having the specific carriage construction of the claimed invention, particularly the bridge structure formed with a plurality of lower arms and actuated by pneumatic cylinders and supporting a pair of pressure rollers.

With respect to claims 5 and 9, while the winding apparatus of Garcia includes a longitudinally movable carriage having a drive chain, the reference fails to include a pair of longitudinal guides to which said carriage is disposed on, such that a first motor is provided to move the carriage and a second motor, which is mounted on the carriage, is provided to change the orientation of the supply reel.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(703) 605-4397** (if after December 18, 2003, (571) 272-1215). The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone

Application/Control Number: 09/913,702

Page 5


Art Unit: 1733

number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Justin Fischer

December 9, 2003


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300